

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**BENJAMIN HENDRICKS, et al.,**

**Plaintiffs,**

**v.**

**Case No. 2:14-cv-01841  
JUDGE GREGORY L. FROST  
Magistrate Judge Elizabeth P. Deavers**

**OHIO DEPARTMENT OF REHABILITATION  
AND CORRECTIONS, et al.,**

**Defendants.**

**ORDER**

This matter is before the Court for consideration of the Magistrate Judge's January 7, 2015 Order and Report and Recommendation ("Order and R&R"). (ECF No. 25.) In that filing, the Magistrate Judge granted the motions to proceed *in forma pauperis* of Plaintiffs Dupuis, Randall, Williams, Coverdale, Lupinski, and Steidl, denied Plaintiff Hendricks' initial motion for leave to proceed *in forma pauperis*, and granted Plaintiff Hendricks' revised motion to proceed *in forma pauperis*. The Magistrate Judge also recommended that the Court deny Plaintiff Nameth's motion for leave to proceed *in forma pauperis* and order Plaintiff Nameth to pay \$40.00, or his portion of the filing fee, in order to proceed in this action. Finally, the Magistrate Judge recommended that Plaintiffs Carpenter and Austin be assessed \$40.00 and that their claims be dismissed for want of prosecution, not to be reinstated even if the filing fee is later paid.

The Order and R&R advised the parties that, if any party sought review by the District Judge, that party may file objections to the Magistrate Judge's recommendations within fourteen

(14) days. (ECF No. 25, at PAGEID # 5.) The Order and R&R further advised the parties that the failure to object within fourteen days would “result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court.” (*Id.* at PAGEID # 5–6 (citing *Pfahler v. Nat’l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) and *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005)).)

The Court has reviewed the Order and R&R. Noting that no objections have been filed, that the time for filing such objections has expired, and that the Magistrate Judge’s reasoning is correct, the Court **ADOPTS** the Order and R&R (ECF No. 25), **DENIES** Plaintiff Nameth’s motion for leave to proceed *in forma pauperis* (ECF No. 11), and **ORDERS** Plaintiff Nameth to submit the requisite \$40.00 filing fee within twenty-one (21) days in order to proceed in this action. The Court further **DISMISSES** Plaintiffs Carpenter and Austin’s claims for want of prosecution, not to be reinstated to the Court’s active docket even if the filing fee is later paid in full, and **ORDERS** that Plaintiffs Carpenter and Austin each be **ASSESSED** \$40.00.

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
**GREGORY L. FROST**  
**UNITED STATES DISTRICT JUDGE**